

A G E N D A

ATHENS CITY COUNCIL

TUESDAY, JUNE 15, 2004, 6:00 P.M.

- I. CALL TO ORDER** – Mayor William Bo Perkinson

- II. PLEDGE OF ALLEGIANCE**

- III. INVOCATION** – Council Member Witt

- IV. ROLL CALL**

- V. MINUTES** – May 18, 2004

- VI. COMMUNICATIONS FROM THE MAYOR**
 - a.) Presentation of VIVID Award – Dr. Thomas J. Oakley, III
 - b.) Amateur Radio Week Proclamation – David Fridley, President
 - c.) Miscellaneous Correspondence

- VII. PETITIONS AND REQUESTS**
 - a.) Requests from Audience

- VIII. REPORTS**
 - a.) Finance Department Report
 - * b.) Police Department Report
 - * c.) Fire Department Report
 - d.) Special Departmental Report – Community Development Department

IX. CONSENT AGENDA

- * a.) Adopt *Resolution No. 2004-30* to extend State Right-of-way Maintenance Contract with *TDOT* through June 30, 2005;
- * b.) Adopt *Resolution No. 2004-31* to rescind Resolution No. 2004-04 dated February 17, 2004 and to further authorize contractual obligation to next low bidder, *Total Lawn Care*, for park maintenance/mowing of city-owned properties identified as Section II;
- * c.) Adopt *Resolution No. 2004-32* to authorize extension of a contract between the City of Athens and *Chilhowee Greenhouse* for cemetery maintenance of designated city cemeteries;
- * d.) Adopt *Resolution No. 2004-33* to authorize Mayor and City Manager to enter into a contract with *Wilbur Smith Associates* for construction inspection services and coordination for the realignment and extension of Dennis Street;
- e.) Accept staff's recommendation to declare selected vehicles/equipment *surplus property* as identified in memorandum dated June 2, 2004;
- f.) Proposed City of Athens *Budget Amendment No. 3* for Fiscal Year 2003/04 dated June 7, 2004;
- g.) Reappoint *Charles 'Buddy' Liner* to another term on the Athens Utilities Board, expires 6/30/2008;
- h.) Reappoint *Fred Burke* to another term on Recreation Advisory Board, expires 6/30/2008;
- i.) Appoint *Ralph Fenton* to serve on Board of Zoning Appeals, expires 6/30/2009.

X. ORDINANCES

- * a.) **ORDINANCE NO. 919 – SECOND/FINAL READING – PUBLIC HEARING**
“AN ORDINANCE TO ADOPT A BUDGET AND SET THE TAX RATE IN THE AMOUNT OF \$1.29 ON EACH ONE HUNDRED DOLLARS ASSESSED VALUE OF TAXABLE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE, FOR THE FISCAL YEAR, JULY 1, 2004, THROUGH JUNE 30, 2005.”

XI. OLD BUSINESS

- * a.) Proposed contract with Johnson Architecture Inc. to conduct city pool study

XII. NEW BUSINESS

- a.) Athens City Schools – Budget Amendment – FY 2003/04
- b.) Athens City Schools – Proposed Budget – FY 2004/05
- * c.) Proposed contract for Dennis Street Realignment/Extension
- d.) Manager’s Report

XIII. BEER BOARD

- a.) Restaurant Beer Permit – Monterrey Mexican Restaurant, 2624 Decatur Pike, Porfirio Lezama-Luna
- b.) Restaurant Beer Permit – Monterrey Mexican Restaurant, 319 Congress Parkway, Porfirio Lezama-Luna

City of Athens

Month of May 2004

**Police Department Report to City Manager
Offense Statistics**

Classification of Offenses

Offenses Reported

Part I - Crimes Against Persons	This Month	This Year	Last Year to Date
1. Homicide	0	0	0
2. Sex Offense	4	8	7
3. Robbery	0	8	8
4. Assault	32	158	115
Part II - Crime Against Property			
5. Burglary	16	76	90
6. Theft	66	256	326
7. Motor Vehicle Theft	8	20	16
Moving Violations	425	1922	1472
Drugs	19	78	55
Arrests	83	323	429

Traffic Accident Statistics

Accidents

Injuries

	This Month	This Year	Last Year to Date		This Month	This Year	Last Year to Date	
Vehicle	90	358	373		0	66	108	
Pedestrian	2	4	3		0	0	1	
Other	10	53	58		0	18	14	
Priv. Prop.		26				0		
Total	102	415	434		0	84	123	

Fatality

This Month	0
This Year	1
Last Year	1

Prepared:
Amy B. Arnwine
City Clerk/Records
Clerk

Submitted:
Charles T. Ziegler
Chief of Police

ATHENS FIRE DEPARTMENT REPORT

MONTH
OF

MAY 2004

TYPE OF CALL	THIS MONTH	LAST YEAR	TYTD	LYTD
RESIDENTIAL	2	1	15	26
COMMERCIAL	1	3	4	4
INDUSTRIAL	1	0	2	0
GRASS	2	0	12	5
VEH FIRES	2	3	20	15
TRASH FIRES	0	0	6	5
VEH ACC	3	5	16	12
AUTO ALARMS	7	8	31	18
FALSE ALARMS	0	0	7	14
OTHERS	9	17	43	36
MUTUAL AID	0	0	2	0
TOTAL CALLS	27	37	158	135

LOSSES

RESIDENTIAL	\$1,000	\$20,000	\$106,700	\$514,500
COMMERCIAL	\$500	\$600	\$600	\$1,000
INDUSTRIAL	\$1,000	\$0	\$0	\$0
VEHICLE	\$7,000	\$14,800	\$26,850	\$34,100
MISC	\$0	\$0	\$1,100	\$0
TOTALS	\$9,500	\$35,400	\$135,250	\$549,600

FIRE PREVENTION INSPECTIONS

COMMERCIAL	10	7	54	59
INDUSTRIAL	8	6	48	39
RESIDENTIAL	19	11	83	84
TOTALS	37	24	185	182

VIOLATIONS	11	9	42	50
CORRECTED	8	5	30	33

FIREFIGHTER TRAINING

FULL TIME ACADEMIC	183	201	1186	1,101
FULL TIME PRACTICAL	160	218	932	641
VOLUNTEER ACADEMIC	14	22	51	61
VOLUNTEER PRACTICAL	29	4	105	41

PERSONNEL	ALLOWANCE	EMPLOYED
FULL TIME	20	19
VOLUNTEERS	25	20

PREPARED BY:
FIREFIGHTER II, JERRY L. TATE

SUBMITTED BY:
FIRE CHIEF, ROBERT G. MILLER

RESOLUTION NO. 2004-30

“A RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF STATE RIGHTS-OF-WAY WITHIN THE CITY OF ATHENS.”

WHEREAS, the City of Athens, Tennessee, has 19.58 miles of state rights-of-way located within its corporate limits; and

WHEREAS, pursuant to a contract with the Tennessee Department of Transportation, the City of Athens Public Works Department currently maintains these rights-of-way by providing certain services including mowing, washing/sweeping, litter/tree removal, snow/ice removal, patching, etc.; and

WHEREAS, the Tennessee Department of Transportation reimburses the City of Athens for this service based upon the rates set-forth in the annual contract documentation; and

WHEREAS, it is the desire of the City of Athens and the Tennessee Department of Transportation to continue contractual agreements for fiscal year July 1, 2004, through June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 15th day of June 2004, that the Mayor and City Manager are hereby authorized, empowered, and directed to execute a contract with the Tennessee Department of Transportation for the continued maintenance of state highways within the City of Athens, Tennessee as provided above.

ON MOTION BY _____, SECONDED BY _____, said Resolution was unanimously approved this 15th day of June 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. 2004-31

“A RESOLUTION TO RESCIND RESOLUTION NO. 2004-04 AND TO FURTHER AUTHORIZE CONTRACTUAL OBLIGATION TO THE NEXT LOW BIDDER, TOTAL LAWN CARE, FOR THE PURPOSE OF PARK MAINTENANCE/MOWING OF CITY-OWNED PROPERTIES DESCRIBED AS SECTION II.”

WHEREAS, the City of Athens, Tennessee, by Resolution No. 2004-04 authorized extension of bid prices and other provisions/specifications for park maintenance as submitted by Elrod Landscaping and Lawn Care in conjunction with Bid No. 1344 dated March 11, 2002; and

WHEREAS, based on staff’s recommendation, contractual terms were terminated due to failure of the vendor to provide adequate services as outlined in above specifications; and

WHEREAS, the next low bidder, Total Lawn Care of Etowah, has agreed to honor its bid prices dated March 11, 2002 for maintaining/mowing city properties designated Section II in bid specifications; and

WHEREAS, the contractual terms are expected to conclude on or about October 31, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 15th day of June 2004, that Resolution No. 2004-04 is hereby rescinded and further that Total Lawn Care of Etowah is authorized to provide maintenance/mowing services on city-owned properties as provided above.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the public welfare requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 15th day of June 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. 2004-32

“A RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND CHILHOWEE GREENHOUSE FOR CEMETERY MAINTENANCE OF DESIGNATED CITY CEMETERIES.”

WHEREAS, the City of Athens, Tennessee, by Resolution No. 2000-34 entered into a contract with Chilhowee Greenhouse to perform maintenance of City of Athens cemeteries; and

WHEREAS, the contract provides for automatic renewal upon consent by both parties; and

WHEREAS, it is the desire of the City of Athens and William A. Houston, Jr., Owner of Chilhowee Greenhouse, to extend the terms of the contract through mutual, written consent dated May 3, 2004, for the period August 1, 2004 through July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 15th day of June 2004, that the above referenced contract is hereby renewed, thereby extending its contractual terms as provided above.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 15th day of June 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. 2004-33

“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH WILBUR SMITH ASSOCIATES FOR CONSTRUCTION INSPECTION SERVICES AND COORDINATION FOR THE REALIGNMENT AND EXTENSION OF DENNIS STREET.”

WHEREAS, the Athens City Council has approved the realignment and extension of Dennis Street from Vo-Tech Drive to Decatur Pike (SR 30); and

WHEREAS, Wilbur Smith Associates of Knoxville has submitted a proposal to provide engineering services to assist the City of Athens with construction inspection services and coordination in conjunction with this project at a fee not-to-exceed Twenty-nine Thousand Three Hundred Dollars (\$29,300).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 15th day of June 2004, that the Mayor and City Manager are hereby authorized, empowered, and directed to execute a Contractual Agreement with Wilbur Smith Associates as provided in their proposal dated February 9, 2004.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the public welfare requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 15th of June 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

ORDINANCE NO. 919

“AN ORDINANCE TO ADOPT A BUDGET AND SET THE TAX RATE IN THE AMOUNT OF \$1.29 ON EACH ONE HUNDRED DOLLARS ASSESSED VALUE OF TAXABLE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE, FOR THE FISCAL YEAR, JULY 1, 2004, THROUGH JUNE 30, 2005.”

WHEREAS, the Council for the City of Athens, Tennessee, after much consideration and study of the budget prepared and submitted by the City Manager, considers said budget to be in complete detail showing the financial condition of the City for the past fiscal year, and the proposed budget and expenditures for the various departments for the fiscal year beginning July 1, 2004, through June 30, 2005.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

That the budget hereto attached and made a part hereof consisting of the following words and figures, be and is hereby adopted as the Budget for the City of Athens, Tennessee, for the Fiscal Year beginning July 1, 2004, and extending through June 30, 2005.

<u>GENERAL FUND REVENUES:</u>	2003-2004	2004-2005
Taxes	8,675,600	9,207,000
Intergovernmental Revenue	1,380,900	1,325,000
Charges for Services	156,500	150,000
Fines and Forfeits	366,500	368,000
Interest	25,000	25,000
Miscellaneous	21,500	41,000
TOTAL GENERAL FUND REVENUES	10,626,000	11,116,000
GENERAL FUND OPENING BALANCE	2,500,000	2,500,000
TOTAL GENERAL FUND	13,126,000	13,616,000
<u>DEBT SERVICE FUND REVENUES</u>		
General Fund Transfer	790,000	790,000
Schools Reimbursement	0	200,000
Interest	30,000	20,000
TOTAL DEBT SERVICE FUND REVENUES	820,000	1,010,000
DEBT SERVICE FUND OPENING BALANCE	1,150,000	1,200,000
TOTAL DEBT SERVICE FUND	1,970,000	2,210,000
<u>SANITATION FUND REVENUES</u>		
Charges For Services	773,500	744,000
Interest	2,500	2,000
TOTAL SANITATION FUND REVENUES	776,000	746,000
SANITATION FUND OPENING BALANCE	250,000	150,000
TOTAL SANITATION FUND	1,026,000	896,000

DRUG FUND REVENUES

Fines and Forfeits	15,000	30,000
TOTAL DRUG FUND REVENUES	15,000	30,000
DRUG FUND OPENING BALANCE	115,000	115,000
TOTAL DRUG FUND	130,000	145,000

TOTAL ALL FUNDS 16,252,000 16,867,000

GENERAL FUND EXPENDITURES:

ADMINISTRATION

City Manager's Office	265,300	298,200
City Council	44,600	49,100
City Judge	13,200	12,600
City Attorney	18,000	18,000
Special Appropriations	282,600	291,100
Athens City Schools	1,406,000	1,460,000
Athens Utilities Board	430,000	450,000
TOTAL ADMINISTRATION	2,459,700	2,579,000

FINANCE 502,400 614,400

HUMAN RESOURCES 172,000 149,600

ADMINISTRATION & EMERGENCY SERVICES

Administration	87,100	90,700
City Hall	154,800	223,600
Communications	372,700	354,300
TOTAL ADMIN. & EMERG. SERVICES	614,600	668,600

COMMUNITY DEVELOPMENT

Administration	139,700	142,100
Codes Enforcement	133,700	136,200
Cemeteries	56,500	59,000
TOTAL COMMUNITY DEVELOPMENT	329,900	337,300

POLICE

Administration	206,700	211,000
Patrol	1,383,500	1,458,900
Detective	179,200	189,300
TOTAL POLICE	1,769,400	1,859,200

FIRE

Administration	98,700	103,300
Prevention	78,400	80,400
Suppression	1,116,100	1,142,000
TOTAL FIRE	1,293,200	1,325,700

PARKS & RECREATION		
Administration	162,600	165,000
Maintenance	411,700	402,700
Swimming Pools	64,200	66,600
Program Planning	203,300	215,100
TOTAL PARKS & RECREATION	841,800	849,400
PUBLIC WORKS		
Administration	173,500	188,200
Traffic Control	128,500	128,500
Street Maintenance	443,900	462,200
Street Construction	322,700	333,100
Street Cleaning	459,000	487,300
Fleet Maintenance	243,500	260,900
Animal Control	81,900	82,600
TOTAL PUBLIC WORKS	1,853,000	1,942,800
DEBT SERVICE TRANSFER	790,000	790,000
TOTAL GENERAL FUND EXPENDITURES	10,626,000	11,116,000
TOTAL DEBT SERVICE EXPENDITURES	820,000	685,000
TOTAL SANITATION FUND EXPENDITURES	776,000	828,000
TOTAL DRUG FUND EXPENDITURES	15,000	30,000
TOTAL ALL FUNDS	12,237,000	12,659,000
ENDING FUND BALANCE	4,015,000	4,208,000

SECTION 2: BE IT FURTHER ORDAINED, that the taxes provided by Chapter 387 of the Public Acts of 1971 known as the Business Tax Act, as amended, are hereby enacted, ordained and levied on the businesses, business activities, vocations or occupations carried on in the City of Athens, Tennessee, at the rates and in the manner prescribed by said Act; also, the seventeen percent (17%) tax on the gross sales of beer sold within the corporate limits of the City of Athens, Tennessee, as provided by Chapter 76 of the Public Acts of Tennessee, for the fiscal year 2004-2005.

SECTION 3: BE IT FURTHER ORDAINED, that the authority of municipalities to assess and collect certain privilege and license taxes is based upon the population of municipalities according to the Federal Census of 2000 on a graduated basis or any subsequent Federal Census or other census authorized by and certified to the Federal Government by the Tennessee State Planning Commission, whichever is latest. It is therefore, declared by the Council for the City of Athens that the official census for Athens, Tennessee, is 13,334. The levy and collections are only to the extent not repealed by Chapter 387 of the Public Acts of 1971.

SECTION 4: BE IT FURTHER ORDAINED, that the City Manager or his Assistant shall collect a fee of \$5.00 on all business licenses sold and said fee shall be turned over to the City for General Fund purposes.

SECTION 5: BE IT FURTHER ORDAINED, that the tax rate for the year 2004-2005 be and is hereby fixed at \$1.29 on each ONE HUNDRED DOLLARS (\$100.00) assessed value of taxable property located within the corporate limits of the City of Athens, Tennessee.

SECTION 6: BE IT FURTHER ORDAINED, that refuse collection and disposal charges for fiscal year 2004-2005 is hereby fixed as follows: small professional, commercial or business establishments operating within the City of Athens shall pay a minimum fee of \$6.50 per month; large professional, commercial or business establishments operating within the City of Athens shall pay a minimum fee of \$18.00 per month; all residences within the City of Athens shall pay a minimum fee of \$6.50 per month.

SECTION 7: BE IT FURTHER ORDAINED, that the Mayor and City Manager, by appropriate authorization may borrow upon tax anticipation notes such sums or sum of money as may be necessary to defray current operating expenses, provided however, that such notes shall bear interest at a rate not to exceed one (1%) percent in excess of prime interest rates set by New York Banks and shall not be borrowed for a period longer than the current fiscal year and said sums shall not exceed fifty percent (50%) of the annual tax levy as set out in Section 5 of the Corporate Powers of the Charter of the City of Athens, Tennessee, said interest to be exempt from all Federal, State, and Municipal taxation.

SECTION 8: BE IT FURTHER ORDAINED, that all Ordinances, and parts of Ordinances in conflict with this Ordinance shall be, and the same are, hereby repealed and superseded.

SECTION 9: BE IT FURTHER ORDAINED, that if any section, paragraph, clause, or sentence of this Ordinance shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remaining sections, paragraphs, clauses, and sentences.

SECTION 10: BE IT FURTHER ORDAINED, in that the fiscal year begins on July 1, 2004, and time is of the essence, therefore, this Ordinance is declared to be an emergency ordinance to take effect from and after its passage.

PASSED ON FIRST READING: May 18, 2004

PASSED ON SECOND READING: _____

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. _____

“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHNSON ARCHITECTURE INC. OF KNOXVILLE, TN FOR THE PURPOSE OF CONDUCTING A STUDY RELATIVE TO RENOVATION OF INGLESIDE POOL.”

WHEREAS, the City of Athens has operated three neighborhood pools in the City Park, Ingleside and North City communities since 1958; and

WHEREAS, the annual pool report reflects that expenditures substantially exceed revenues; and

WHEREAS, in evaluating the annual pool report, the Recreation Advisory Board (RAB), during its regular meeting on October 23, 2003, adopted a resolution recommending that City Council hire a consultant for the purpose of conducting a study to provide renderings and cost analysis for the renovation of Ingleside to include water features such as zero entry water, water play areas and slides; and

WHEREAS, the RAB further recommends that the funds to conduct this survey be allocated from the unspent revenues in the FY 2003/04 pool operating budget; and

WHEREAS, a proposal has been submitted by Johnson Architecture Inc of Knoxville, TN to provide this service at a cost not to exceed Five Thousand Dollars (\$5,000).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 15th of June 2004, that the Mayor and City Manager be hereby authorized, empowered, and directed to enter into a contract with Johnson Architecture Inc. as provided above.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 15th day of June 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. _____

“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH RENFRO CONSTRUCTION COMPANY TO COMPLETE THE DENNIS STREET REALIGNMENT AND EXTENSION PROJECT.”

WHEREAS, the Athens City Council has designated realignment and extension of Dennis Street to Layman Road as a priority street project within the City of Athens; and

WHEREAS, in an effort to perform the intersection improvements as designed by the consulting engineering firm of S.I.T.E. Inc., city staff opened and reviewed Bid No. 1380 on June 10, 2004; and

WHEREAS, Renfro Construction Company of Athens has submitted the low bid in the amount of Four Hundred Eighty-Five Thousand Four Hundred Forty-Eight (\$485,448) for the construction of the above stated project; and

WHEREAS, city staff has determined it to be in the best interest of the City to accept the bid as prepared and submitted by Renfro Construction Company and to enter into a construction contract in an amount of \$485,448.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 15th day of June 2004, that the Mayor and City Manager are hereby authorized, empowered and directed to execute a contract as provided above.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 15th day of June 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

